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IN THE UNITED STATE DISTRICT COURT  
DISTRICT OF ARIZONA

SPARROWONE, LLC, an Arizona  
limited liability company,

Plaintiff,

v.

ALTERNATE36, INC., a Delaware  
corporation; Kenneth Ramirez, a natural  
person; Lauren Murphy, a natural person;  
and Jeffery Nickoloff, a natural person.

Defendants.

Case No: CV-15-02609-PHX-SPL

**DEFENDANT NICKOLOFF'S  
ANSWER TO COMPLAINT**

(Assigned to the  
Honorable Steven P. Logan)

Defendant Jeffery Nickoloff, (hereinafter referred to as "Defendant"), by and through counsel undersigned, submits his Answer to Plaintiff's Complaint as follows:

**JURISDICTION AND VENUE**

1. Defendant admits the jurisdiction allegations contained in paragraph 1 of the Complaint. However, Defendant denies any implication that he violated any provision of the Computer Fraud and Abuse Act ("CFAA") pursuant to 18 U.S.C. §1020 *et seq.*

2. Defendant admits the jurisdiction allegations contained in paragraph 2 of the Complaint.

1           3.     Defendant admits the venue allegations contained in paragraph 3 of the  
2 Complaint.

3                                   **PARTIES**

4           4.     Defendant is without sufficient information to either admit or deny the  
5 allegations contained in paragraph 4 of the Complaint, therefore denies the same.

6           5.     Defendant is without sufficient information to either admit or deny the  
7 Complaint, therefore denies the same.

8           6.     Defendant is without sufficient information to either admit or deny paragraph 6  
9 the Complaint, therefore denies the same.

10          7.     Defendant is without sufficient information to either admit or deny paragraph 7  
11 of the Complaint, therefore denies the same.

12          8.     Defendant admits the allegations contained in paragraph 8 of the Complaint.

13                                   **RELEVANT FACTS**

14          9.     Defendant is without sufficient information to either admit or deny the  
15 allegations contained in paragraph 9 of the Complaint, and therefore denies the same.

16          10.    Defendant is without sufficient information to either admit or deny the  
17 allegations contained in paragraph 10 of the Complaint, and therefore denies the same.

18          11.    Defendant is without sufficient information to either admit or deny the  
19 allegations contained in paragraph 11 of the Complaint, and therefore denies the same.

20          12.    Defendant is without sufficient information to either admit or deny the  
21 allegations contained in paragraph 12 of the Complaint, and therefore denies the same.

22          13.    Defendant is without sufficient information to either admit or deny the  
23 allegations contained in paragraph 13 of the Complaint, and therefore denies the same.

24          14     Defendant is without sufficient information to either admit or deny the  
25 allegations contained in paragraph 14 of the Complaint, and therefore denies the same.

1           15. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 15 of the Complaint, and therefore denies the same.

3           16. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 16 of the Complaint, and therefore denies the same.

5           17. Defendant is without sufficient information to either admit or deny the  
6 allegations contained in paragraph 17 of the Complaint, and therefore denies the same.

7           18. Defendant is without sufficient information to either admit or deny the  
8 allegations contained in paragraph 18 of the Complaint, and therefore denies the same.

9           19. Defendant is without sufficient information to either admit or deny the  
10 allegations contained in paragraph 19 of the Complaint, and therefore denies the same.

11           20. Defendant is without sufficient information to either admit or deny the  
12 allegations contained in paragraph 20 of the Complaint, and therefore denies the same.

13           21. Defendant is without sufficient information to either admit or deny the  
14 allegations contained in paragraph 21 of the Complaint, and therefore denies the same.

15           22. Defendant is without sufficient information to either admit or deny the  
16 allegations contained in paragraph 22 of the Complaint, and therefore denies the same.

17           23. Defendant is without sufficient information to either admit or deny the  
18 allegations contained in paragraph 23 of the Complaint, and therefore denies the same.

19           24. Defendant is without sufficient information to either admit or deny the  
20 allegations contained in paragraph 24 of the Complaint, and therefore denies the same.

21           25. Defendant is without sufficient information to either admit or deny the  
22 allegations contained in paragraph 25 of the Complaint, and therefore denies the same.

23           26. Defendant is without sufficient information to either admit or deny the  
24 allegations contained in paragraph 26 of the Complaint, and therefore denies the same.  
25

1           27. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 27 of the Complaint, and therefore denies the same.

3           28. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 28 of the Complaint, and therefore denies the same.

5           29. Defendant is without sufficient information to either admit or deny the  
6 allegations contained in paragraph 29 of the Complaint, and therefore denies the same.

7           30. Defendant is without sufficient information to either admit or deny the  
8 allegations contained in paragraph 30 of the Complaint, and therefore denies the same.

9           31. Defendant is without sufficient information to either admit or deny the  
10 allegations contained in paragraph 31 of the Complaint, and therefore denies the same.

11           32. Defendant is without sufficient information to either admit or deny the  
12 allegations contained in paragraph 32 of the Complaint, and therefore denies the same.

13           33. Defendant is without sufficient information to either admit or deny the  
14 allegations contained in paragraph 33 of the Complaint, and therefore denies the same.

15           34. Defendant is without sufficient information to either admit or deny the  
16 allegations contained in paragraph 34 of the Complaint, and therefore denies the same.

17           35. Defendant is without sufficient information to either admit or deny the  
18 allegations contained in paragraph 35 of the Complaint, and therefore denies the same.

19           36. Defendant is without sufficient information to either admit or deny the  
20 allegations contained in paragraph 36 of the Complaint, and therefore denies the same.

21           37. Defendant is without sufficient information to either admit or deny the  
22 allegations contained in paragraph 37 of the Complaint, and therefore denies the same.

23           38. Defendant is without sufficient information to either admit or deny the  
24 allegations contained in paragraph 38 of the Complaint, and therefore denies the same.  
25

1           39. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 39 of the Complaint, and therefore denies the same.

3           40. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 40 of the Complaint, and therefore denies the same.

5           41. Defendant is without sufficient information to either admit or deny the  
6 allegations contained in paragraph 41 of the Complaint, and therefore denies the same.

7           42. Defendant is without sufficient information to either admit or deny the  
8 allegations contained in paragraph 42 of the Complaint, and therefore denies the same.

9           43. Defendant is without sufficient information to either admit or deny the  
10 allegations contained in paragraph 43 of the Complaint, and therefore denies the same.

11           44. Defendant is without sufficient information to either admit or deny the  
12 allegations contained in paragraph 44 of the Complaint, and therefore denies the same.

13           45. Defendant is without sufficient information to either admit or deny the  
14 allegations contained in paragraph 45 of the Complaint, and therefore denies the same.

15           46. Defendant denies the allegations contained in paragraph 46 of the Complaint.

16           47. Defendant denies the allegations contained in paragraph 47 of the Complaint.

17           48. Defendant denies the allegations contained in paragraph 48 of the Complaint.

18                                   **COUNT II**  
19                                   **VIOLATION OF 18 U.S.C. §1030(a)(2)(C)**  
   **(against Defendant Ramirez)**

20           49. Paragraph 49 of the Complaint does not assert an allegation, but by reference  
21 Defendant incorporates his responses to all preceding paragraph.

22           50. Defendant is without sufficient information to either admit or deny the  
23 allegations contained in paragraph 50 of the Complaint, and therefore denies the same.  
24  
25

1           51. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 51 of the Complaint, and therefore denies the same.

3           52. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 52 of the Complaint, and therefore denies the same.

5           53. Defendant is without sufficient information to either admit or deny the  
6 allegations contained in paragraph 53 of the Complaint, and therefore denies the same.

7           54. Defendant is without sufficient information to either admit or deny the  
8 allegations contained in paragraph 54 of the Complaint, and therefore denies the same.

9           55. Defendant is without sufficient information to either admit or deny the  
10 allegations contained in paragraph 55 of the Complaint, and therefore denies the same.

11           56. Defendant is without sufficient information to either admit or deny the  
12 allegations contained in paragraph 56 of the Complaint, and therefore denies the same.

13                                   **COUNT II**  
14                           **VIOLATION OF 18 U.S.C. §1030(a)(5)(C)**  
15                                   **(against Defendant Ramirez)**

16           57. Paragraph 57 of the Complaint does not assert an allegation, but by reference  
17 Defendant incorporates his responses to all preceding paragraphs.

18           58. Defendant is without sufficient information to either admit or deny the  
19 allegations contained in paragraph 58 of the Complaint, and therefore denies the same.

20           59. Defendant is without sufficient information to either admit or deny the  
21 allegations contained in paragraph 59 of the Complaint, and therefore denies the same.

22           60. Defendant is without sufficient information to either admit or deny the  
23 allegations contained in paragraph 60 of the Complaint, and therefore denies the same.

24           61. Defendant is without sufficient information to either admit or deny the  
25 allegations contained in paragraph 61 of the Complaint, and therefore denies the same.

1           62. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 62 of the Complaint, and therefore denies the same.

3           63. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 63 of the Complaint, and therefore denies the same.

5           64. Defendant is without sufficient information to either admit or deny the  
6 allegations contained in paragraph 64 of the Complaint, and therefore denies the same.

7           65. Defendant is without sufficient information to either admit or deny the  
8 allegations contained in paragraph 65 of the Complaint, and therefore denies the same.

9                                   **COUNT III**  
10                                  **BREACH OF CONTRACT**  
                                  **(against Defendant Ramirez)**

11           66. Paragraph 66 of the Complaint does not assert an allegation, but by reference  
12 Defendant incorporates his responses to all preceding paragraphs.

13           67. Defendant is without sufficient information to either admit or deny the  
14 allegations contained in paragraph 67 of the Complaint, and therefore denies the same.

15           68. Defendant is without sufficient information to either admit or deny the  
16 allegations contained in paragraph 68 of the Complaint, and therefore denies the same.

17           69. Defendant is without sufficient information to either admit or deny the  
18 allegations contained in paragraph 69 of the Complaint, and therefore denies the same.

19           70. Defendant is without sufficient information to either admit or deny the  
20 allegations contained in paragraph 70 of the Complaint, and therefore denies the same.

21           71. Defendant is without sufficient information to either admit or deny the  
22 allegations contained in paragraph 71 of the Complaint, and therefore denies the same.

23           72. Defendant is without sufficient information to either admit or deny the  
24 allegations contained in paragraph 72 of the Complaint, and therefore denies the same.  
25

1           73. Defendant is without sufficient information to either admit or deny the  
2 allegations contained in paragraph 73 of the Complaint, and therefore denies the same.

3           74. Defendant is without sufficient information to either admit or deny the  
4 allegations contained in paragraph 74 of the Complaint, and therefore denies the same.

5                                   **COUNT IV**  
6                                   **BREACH OF CONTRACT**  
7                                   **(against Defendant Murphy)**

8           75. Paragraph 75 of the Complaint does not assert an allegation, but by reference  
9 Defendant incorporates his responses to all preceding paragraphs.

10           76. Defendant is without sufficient information to either admit or deny the  
11 allegations contained in paragraph 76 of the Complaint, and therefore denies the same.

12           77. Defendant is without sufficient information to either admit or deny the  
13 allegations contained in paragraph 77 of the Complaint, and therefore denies the same.

14           78. Defendant is without sufficient information to either admit or deny the  
15 allegations contained in paragraph 78 of the Complaint, and therefore denies the same.

16           79. Defendant is without sufficient information to either admit or deny the  
17 allegations contained in paragraph 79 of the Complaint, and therefore denies the same.

18           80. Defendant is without sufficient information to either admit or deny the  
19 allegations contained in paragraph 80 of the Complaint, and therefore denies the same.

20           81. Defendant is without sufficient information to either admit or deny the  
21 allegations contained in paragraph 81 of the Complaint, and therefore denies the same.

22           82. Defendant is without sufficient information to either admit or deny the  
23 allegations contained in paragraph 82 of the Complaint, and therefore denies the same.  
24  
25



**COUNT IV**  
**MISAPPROPRIATION OF TRADE SECRETS**  
**(against all Defendants)**

83. Paragraph 83 of the Complaint does not assert an allegation, but by reference Defendant incorporates his responses to all preceding paragraphs.

84. Defendant admits the nature of this action described in paragraph 84 of the Complaint.

85. Defendant is without sufficient information to either admit or deny the allegations contained in paragraph 85 of the Complaint, and therefore denies the same.

86. Defendant is without sufficient information to either admit or deny the allegations contained in paragraph 86 of the Complaint, and therefore denies the same.

87. Defendant is without sufficient information to either admit or deny the allegations contained in paragraph 87 of the Complaint, and therefore denies the same.

88. Defendant denies the allegations contained in paragraph 88 of the Complaint.

89. Defendant denies the allegations contained in paragraph 89 of the Complaint.

90. Defendant denies the allegations contained in paragraph 90 of the Complaint.

91. Defendant denies the allegations contained in paragraph 91 of the Complaint.

92. Defendant denies the allegations contained in paragraph 92 of the Complaint.

93. Defendant denies the allegations contained in paragraph 93 of the Complaint.

94. Defendant denies the allegations contained in paragraph 94 of the Complaint.

95. Defendant denies the allegations contained in paragraph 95 of the Complaint.

**COUNT VI**  
**CIVIL CONSPIRACY**  
**(against all Defendants)**

96. Paragraph 96 of the Complaint does not assert an allegation, but by reference Defendant incorporates his responses to all preceding paragraphs.

1           97. Defendant admits the nature of this action described in paragraph 97 of the  
2 Complaint.

3           98. Defendant denies the allegations contained in paragraph 98 of the Complaint.

4           99. Defendant denies the allegations contained in paragraph 99 of the Complaint.

5           100. Defendant denies the allegations contained in paragraph 100 of the Complaint.

6           101. Defendant denies the allegations contained in paragraph 101 of the Complaint.

7           102. Defendant denies the allegations contained in paragraph 102 of the Complaint.

8           103. Defendant denies the allegations contained in paragraph 103 of the Complaint.

9           104. Defendant denies the allegations contained in paragraph 104 of the Complaint.

10                           **COUNT VII**  
11                           **AIDING AND ABETTING**  
                              **(against all Defendants)**

12           105. Paragraph 105 of the Complaint does not assert an allegation, but by reference  
13 Defendant incorporates his responses to all preceding paragraphs.

14           106. Defendant admits the nature of the action described in paragraph 106 of the  
15 Complaint.

16           107. Defendant is without sufficient information to either admit or deny the  
17 allegations contained in paragraph 107 of the Complaint, and therefore denies the same.

18           108. Defendant denies the allegations contained in paragraph 108 of the Complaint.

19           109. Defendant denies the allegations contained in paragraph 109 of the Complaint.

20           110. Defendant denies the allegations contained in paragraph 110 of the Complaint.

21           111. Defendant denies the allegations contained in paragraph 111 of the Complaint.

22           112. Defendant denies the allegations contained in paragraph 112 of the Complaint.

**COUNT VIII**  
**PRELIMINARY INJUNCTION**  
**(against all Defendants)**

113. Paragraph 113 of the Complaint does not assert an allegation, but by reference Defendant incorporates his responses to all preceding paragraphs.

114. Defendant admits the nature of this matter described in paragraph 114 of the Complaint.

115. Defendant denies the allegations contained in paragraph 115 of the Complaint.

116. Defendant denies the allegations contained in paragraph 116 of the Complaint.

117. Defendant denies the allegations contained in paragraph 117 of the Complaint.

118. Defendant denies the allegations contained in paragraph 118 of the Complaint.

**JURY DEMAND**

119. Defendant acknowledges Plaintiff's jury trial request on all issues so triable.

120. Defendant denies each and every allegation of the Complaint not specifically admitted in his Answer to the Complaint.

**AFFIRMATIVE DEFENSES**

In further Answer to the Complaint, Defendant asserts the following Affirmative Defenses:

1. The Complaint fails to state a claim upon which relief may be granted against Defendant.

2. The Complaint and each purported cause of action alleged therein, fails to allege facts sufficient to allow the recovery of punitive damages from Defendant.



**CERTIFICATE OF MAILING**

I hereby certify that on this 22<sup>nd</sup> day of March, 2016, I electronically filed the foregoing **DEFENDANT JEFFERY NICKOLOFF'S ANSWER TO COMPLAINT** with the U.S. District Court Clerk using the CM/ECF system, which shall send notification of such filing to the following:

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By: /s/ Willie Benefiel